

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1355 OF 2006

Nelson @ Nanna D'Cruz, .. Petitioner.
Vs
The State of Maharashtra & Anr. .. Respondents
Mr S.V.Marwadi, for the petitioner.
Mr R.Y.Mirza, APP for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 26th July, 2006

P.C.:

1. Heard Mr Marwadi, learned counsel for the petitioner and Mr Mirza, learned APP for the respondents.

2. This petition is directed against the show cause notice issued by respondent no.2 under section 59 of the Bombay Police Act, calling upon the petitioner to show cause why he be not externed from Bombay, New-Bombay, Thane and Raigad. Mr Mirza, learned APP on instructions, states that the concerned authority shall decide the show cause notice within six weeks from today after taking into consideration the reply filed by the petitioner. Mr Marwadi, at this stage, submits that the petitioner has filed short reply dated 11.6.2006 raising preliminary objection and further submits that the petitioner be given permission to file additional reply. Permission, as prayed, is granted. The concerned

authority shall decide the show cause notice after hearing the petitioner, considering his reply and allowing him to examine witness, if any, within the aforestated period. All contentions raised in this petition are kept open.

. It is needless to express that the preliminary objection need not be decided separately and same can be dealt with in the final orders that would be passed on the notice. With these directions, this petition is disposed of.

. Mr Marwadi, states that the petitioner shall appear before the concerned authority on 2.8.2006 at 11 am. His statement is accepted.

(D.B.BHOSALE, J.)